

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT THE 3000 BLOCK OF EAST STATE HIGHWAY 71
3 EASTBOUND AND CHANGING THE ZONING MAP FROM INTERIM RURAL
4 RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-
5 CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to general commercial
11 services-conditional overlay (CS-CO) combining district on the property described in
12 Zoning Case No. C14-2008-0053, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 5.922 acre tract of land, more or less, out of the Santiago Del Valle Grant in
16 Travis County, the tract of land being more particularly described by metes and
17 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
18

19 locally known as the 3000 Block of East State Highway 71 eastbound, in the City of
20 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 The following uses are prohibited uses of the Property:
26

27 Adult oriented businesses
28 Automotive sales
29 Equipment sales
30 Vehicle storage
31

Automotive repair services
Equipment repair services
Pawn shop services

32 Except as specifically restricted under this ordinance, the Property may be developed and
33 used in accordance with the regulations established for the general commercial services
34 (CS) base district, and other applicable requirements of the City Code.
35
36
37

1
2 **PART 3.** This ordinance takes effect on _____, 2008.
3

4
5 **PASSED AND APPROVED**
6

7 §
8 §
9 _____, 2008 § _____
10

11 Will Wynn
12 Mayor
13

14 **APPROVED:** _____ **ATTEST:** _____
15 David Allan Smith Shirley A. Gentry
16 City Attorney City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**5.922 ACRES
SANTIAGO DEL VALLE GRANT**

A DESCRIPTION OF 5.922 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 53.19 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 2542, PAGE 463 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO GAYLE L. TURNER BY SPECIAL WARRANTY DEED, DATED OCTOBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2007041923 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.922 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found at the west corner of the said 53.19 acre tract, same being the south corner of a 16.92 acre tract described in a deed of record in Volume 706, Page 491 of the Deed Records of Travis County, Texas, also being the east corner of a 233.9 acre tract described in a deed of record in Volume 712, Page 250 of the Deed Records of Travis County, Texas, also being the north corner of a 129.356 acre tract described in a deed of record in Volume 5314, Page 1064 of the Deed Records of Travis County, Texas;

THENCE North 43°20'30" East, with the northwest line of the 53.19 acre tract, same being the southeast line of the said 16.92 acre tract, at a distance of 553.91 feet passing a 1/2" rebar with an aluminum TxDOT cap found, at a distance of 759.43 feet passing a 1/2" rebar with aluminum cap found, and continuing for a total distance of 760.26 feet to a calculated point in the south right-of-way line of State Highway 71 (right-of-way width varies), from which a broken concrete highway monument found bears North 60°56'02" West, a distance of 135.18 feet and North 83°15'21" West, a distance of 107.06 feet, and another concrete highway monument found bears North 29°01'46" East, a distance of 198.88 feet, North 60°58'14" West, a distance of 134.47 feet and North 39°02'02" West, a distance of 108.05 feet;

THENCE South 60°56'02" East, crossing the 53.19 acre tract, with the south right-of-way line of State Highway 71, a distance of 333.61 feet to a calculated point for the north corner of a 0.8492 acre tract described in a deed to the State of Texas, of record in Volume 13350, Page 566 of the Real Property Records of Travis County, Texas, same being the north corner of Lot 1, Bergstrom East Commercial Addition, a subdivision of record in Volume 97, Page 388 of the Plat Records of Travis County, Texas;

THENCE South 43°24'36" West, continuing across the 53.19 acre tract, with the northwest line of the said 0.8492 acre tract and the northwest line of said Lot 1, at a

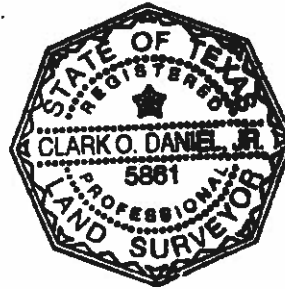
distance of 0.80 feet passing a 1/2" rebar found, at a distance of 164.84 feet passing 0.29 feet right of a 1/2" rebar with an aluminum TxDOT cap found at the called west corner of the 0.8492 acre tract, and continuing with the common line of the 53.19 acre tract and Lot 1 for a total distance of 838.11 feet to a 1/2" rebar found at the west corner of Lot 1, same being in the southwest line of the 53.19 acre tract, also being in the northeast line of the said 129.356 acre tract, from which a 1" iron pipe found bears South 47°26'37" East, a distance of 360.01 feet;

THENCE North 47°26'37" West, with the southwest line of the 53.19 acre tract, same being the northeast line of the 129.356 acre tract, a distance of 322.33 feet to the **POINT OF BEGINNING**, containing 5.922 acres of land, more or less.

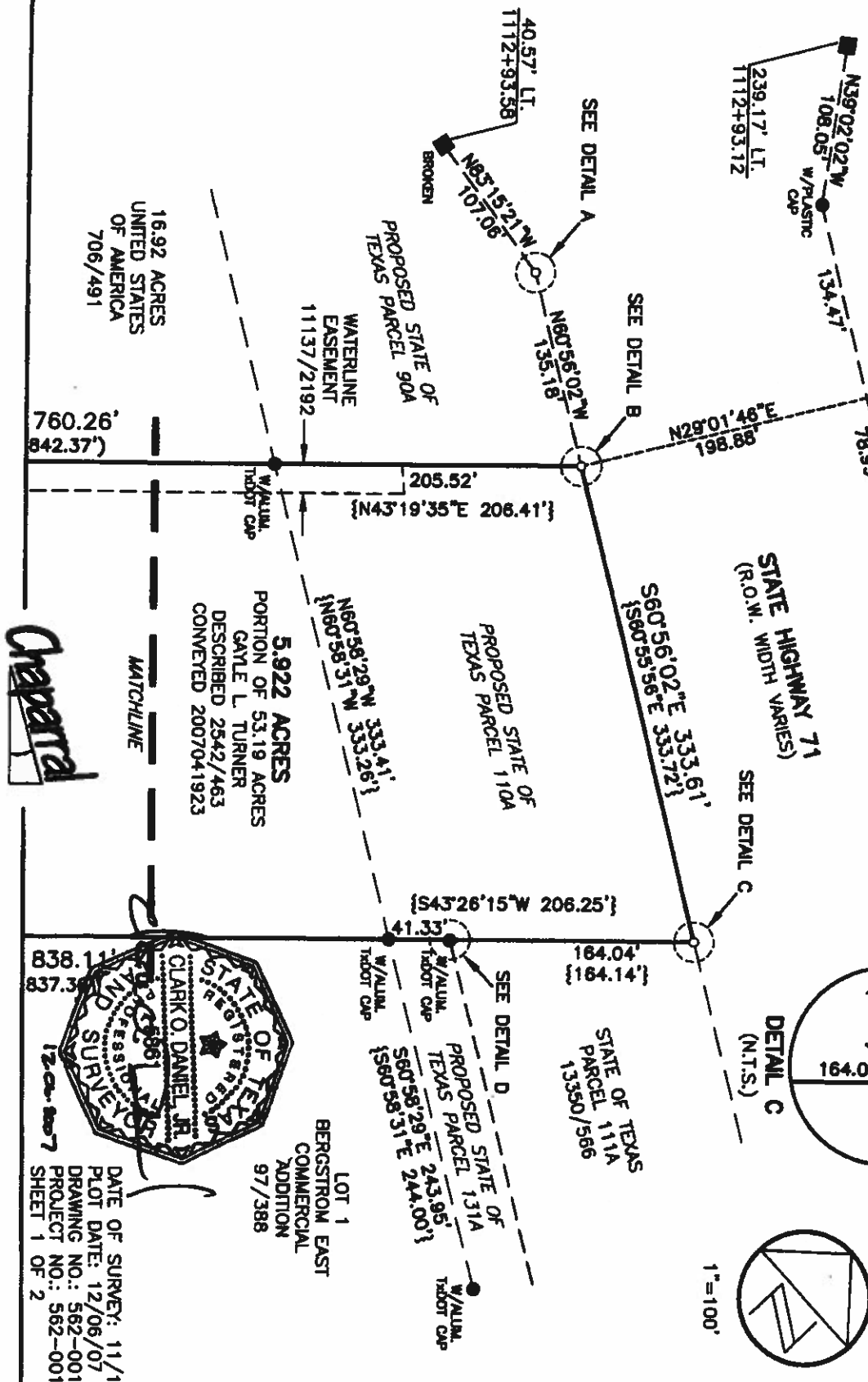
Surveyed on the ground November 15, 2007. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, based on GPS solutions. Attachments: Drawing 562-001-BD1.

Clark O. Daniel 12-04-2007

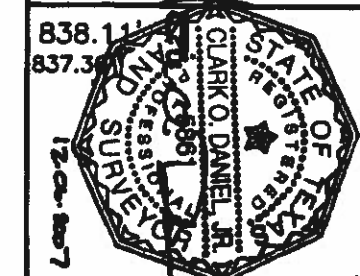
Clark O. Daniel, Jr.
Registered Professional Land Surveyor
State of Texas No. 5861



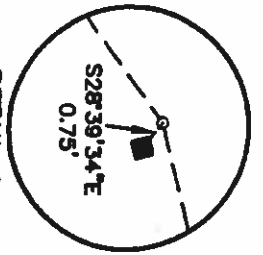
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Chaparral



DATE OF SURVEY: 11/15/07
 PLOT DATE: 12/06/07
 DRAWING NO.: 562-001-BD1
 PROJECT NO.: 562-001
 SHEET 1 OF 2



DETAIL A
(N.T.S.)

16.92 ACRES
UNITED STATES
OF AMERICA
706/491

N43°20'30"E 760.26'
(N45°11'E 842.37')

553.91'

MATCHLINE

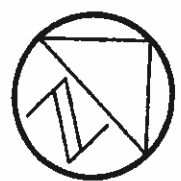
5.922 ACRES
PORTION OF 53.19 ACRES
GAYLE L. TURNER
DESCRIBED 2542/463
CONVEYED 2007041923

631.84'

S43°24'36"W 838.11'
[N43°28'06"E 837.36']

LOT 1
BERGSTROM EAST
COMMERCIAL
ADDITION
97/388

1"=100'



BEARING BASIS: GRID AZIMUTH
FOR TEXAS CENTRAL ZONE
STATE PLANE COORDINATES,
BASED ON GPS SOLUTIONS.
ATTACHMENTS: METES AND
BOUNDS DESCRIPTION
562-001-BD1

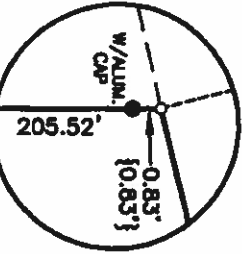
P.O.B.

N47°26'37"W 322.33'
(N45°44'W 683.34')

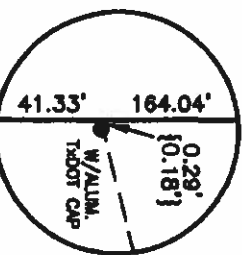
S47°26'37"E 360.01'
[N47°25'39"W 360.05']

233.9 ACRES
UNITED STATES
OF AMERICA
712/250

129.356 ACRES
COUNTY OF TRAVIS
5314/1064

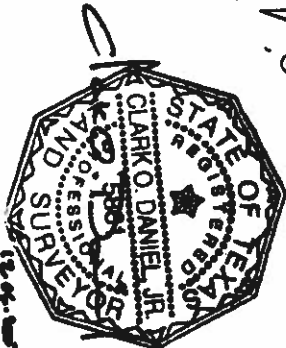


DETAIL B
(N.T.S.)



DETAIL D
(N.T.S.)

- LEGEND**
- 1/2" REBAR FOUND
 - ⊙ 1" IRON PIPE FOUND
 - CONC. HIGHWAY MON. FOUND
 - CALCULATED POINT
 - () RECORD 2542/463 CALL
 - [] RECORD 97/388 CALL
 - { } RECORD TxDOT STRIP MAP CALL
 - CS# 0113-13-086



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SHEET 2 OF 2

Chaparral

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

RESTRICTIVE COVENANT

OWNER: Lou Langford deLisser

ADDRESS: 606 Winsford Road, Bryn Mawr, PA 19010

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 5.922 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, dated September, 2008, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated October 21, 2008. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2008.

OWNER:

LOU LANGFORD DELISSER

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF _____

COUNTY OF _____

§
§
§

This instrument was acknowledged before me on this the ____ day of _____, 2008, by LOU LANGFORD DELISSER.

Notary Public,
State of _____

My commission expires: _____

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant



**Professional Land Surveying, Inc.
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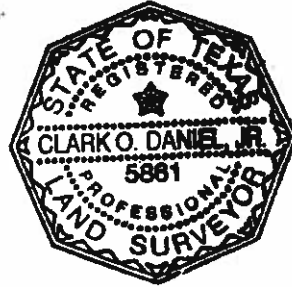
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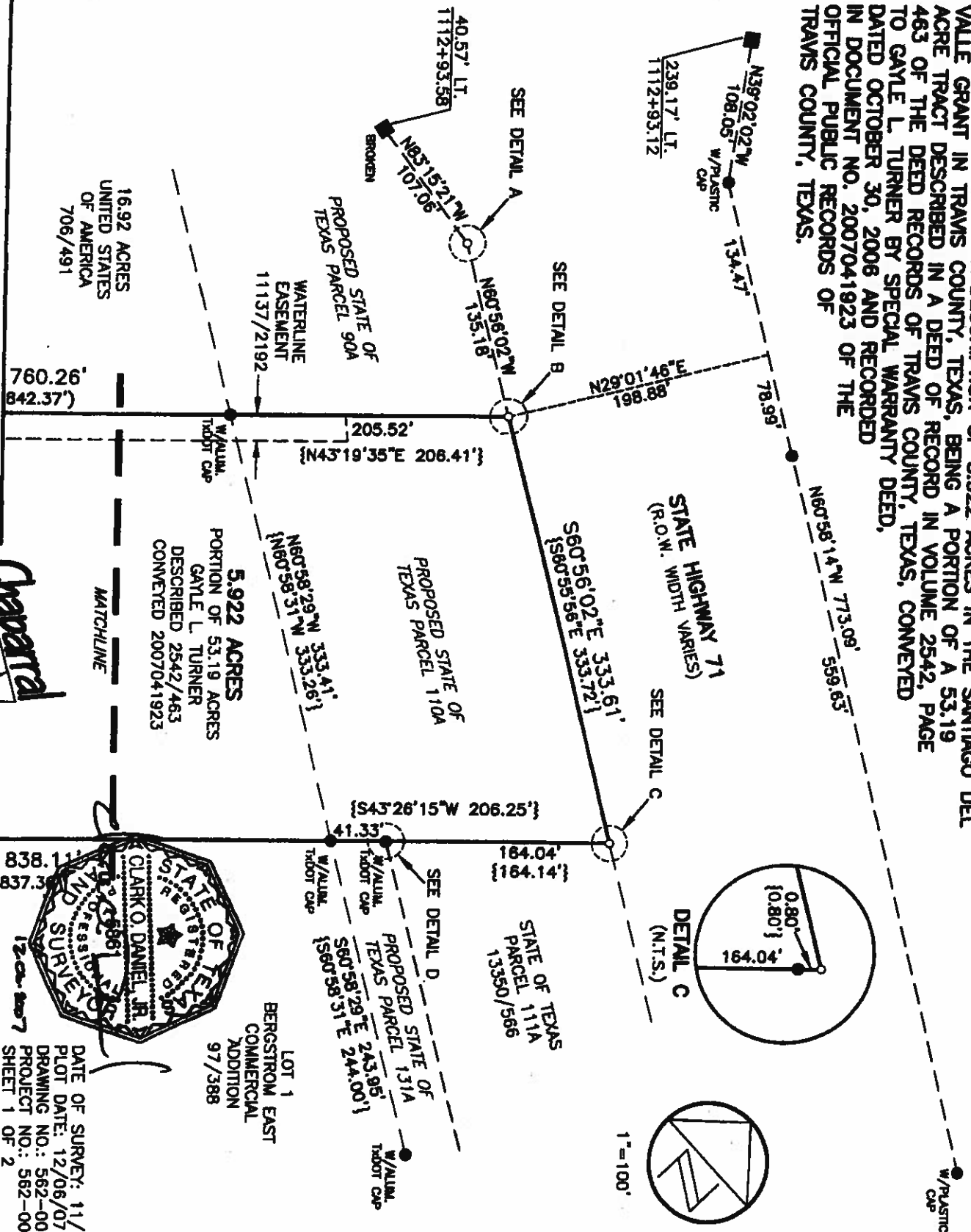
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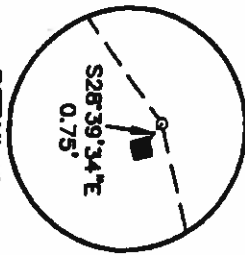
Clark O. Daniel, Jr.
Registered Professional Land Surveyor
State of Texas No. 5861



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Chaparral



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OF AMERICA
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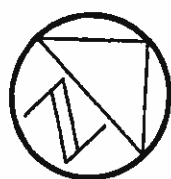
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MATCHLINE

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PORTION OF 53.19 ACRES
GAYLE L. TURNER
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CONVEYED 2007041923

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BERGSTROM EAST
COMMERCIAL
ADDITION
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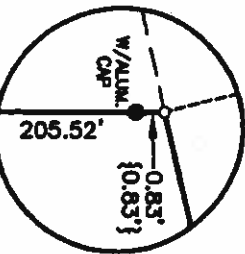
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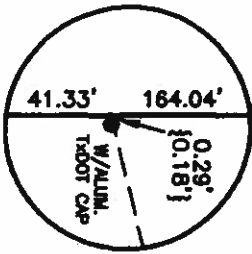
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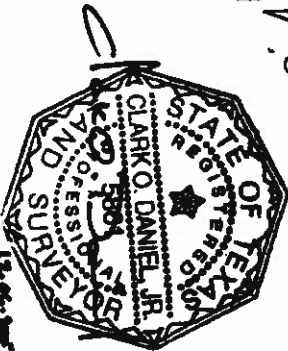


DETAIL B
(N.T.S.)



DETAIL D
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- LEGEND**
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SHEET 2 OF 2

Chaparral